

SCHEDULES

SCHEDULE 3

THE NEW TOWNS CODE

PART IX

SUPPLEMENTAL

Local inquiries

- 53 (1) The Secretary of State may, for the purposes of the exercise of any of his functions under the new towns code, cause to be held such local inquiries as are directed by this Act and such other local inquiries as he may think fit.
- (2) Section 250 of the Local Government Act 1972 shall extend to any local inquiry held by virtue of this paragraph.

Service of notices under the code

- 54 (1) Subject to the provisions of this paragraph, any document required or authorised to be served under the new towns code may be served either—
- (a) by delivering it to the person on whom it is to be served, or
 - (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address, or
 - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address, or
 - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- (2) Where the document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the document is required or authorised to be served on any person as an occupier of premises, the document shall be taken to be duly served if—
- (a) being addressed to him by the description of "the owner" or "the occupier", as the case may be, of the premises (describing them), it is delivered, left or sent in the manner specified in sub-paragraph (1)(a), (b) or (c) above, or

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- (b) being addressed to him either by name or in accordance with sub-paragraph (a) above, and marked in such manner as may be prescribed for securing that it shall be plainly identifiable as a communication of importance, it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or is delivered to some person on those premises, or is affixed conspicuously to some object on those premises,
- (3) Where the document is required to be served on all persons having interests in, or being occupiers of, premises comprised in any land, and it appears to the authority required to serve the document that any part of that land is unoccupied, the document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than an owner who in accordance with the provisions of the new towns code in that behalf has given to that authority an address for the service of the notice on him) if, being addressed to "the owners and any occupiers" of that part of the land (describing it) and marked as mentioned in the sub-paragraph (2) above, it is affixed conspicuously to some object on the land.
- (4) This paragraph applies also to the service of documents by the acquiring authority under any provision of the Compulsory Purchase Act 1965 as that Act applies by virtue of section 6(4)(b) of this Act to an acquisition of land under the new towns code.

Ecclesiastical property

- 55 (1) Where the fee simple in any ecclesiastical land is in abeyance, it shall be treated for the purposes of an acquisition of land under the new towns code as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.
- (2) Where under the new towns code any notice, other than a notice to treat, is required to be served on an owner of land, and the land is ecclesiastical land, a like notice shall be served on the Church Commissioners.
- (3) In this paragraph "ecclesiastical land" means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

Interpretation

- 56 (1) In this Schedule—
- "acquired under the new towns code" means acquired by means of a compulsory purchase order made under any provision of the new towns code (and any reference to an acquisition of land under that code or to land acquired under that code shall be construed accordingly);
- "acquiring authority", in relation to an acquisition of land under the new towns code or by agreement under this Act or to a proposal so to acquire land, means the Board, the Secretary of State or a local highway authority;
- "common" includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882 and any town or village green;

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" enactment " includes an enactment in a local or private Act of Parliament, and an order, byelaw or scheme made under an Act of Parliament;

" fuel or field garden allotment " means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

" held inalienably ", in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939;

" National Trust " means the National Trust for Places of Historic Interest or Natural Beauty ;

" open space " means any land laid out as a public garden, or used for purposes of public recreation, or land being a disused burial ground;

" owner ", in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or reversion, or who holds or is entitled to the rents and profits of the building or land under a lease or agreement of which the unexpired term exceeds three years ;

" planning permission " means permission under Part III of the Town and Country Planning Act 1971 ;

" prescribed " means prescribed by regulations made by the Secretary of State.

- (2) If, in relation to the authorisation under the new towns code of a compulsory acquisition of land, any question arises whether land of statutory undertakers is operational land that question shall be determined by the Secretary of State and the appropriate Minister.
- (3) For the purposes of this Schedule " the appropriate Minister " is, in relation to any statutory undertakers specified in column (1) of the following Table, the Minister specified in relation to those undertakers in column (2) of that Table.

(1)	(2)
<i>Statutory undertakers</i>	<i>Appropriate Minister</i>
1. Statutory undertakers authorised to carry on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking.	The Secretary of State for Transport.
2. Statutory undertakers authorised to carry on any water transport, canal or inland navigation undertaking.	The Secretary of State for the Environment.
3. Statutory undertakers authorised to carry on any lighthouse undertaking.	The Secretary of State for Trade.
4. Statutory undertakers authorised to carry on an undertaking for the supply of electricity, gas or hydraulic power.	The Secretary of State for Energy.
5. Statutory undertakers authorised to carry on an undertaking for the supply of water.	The Secretary of State for Wales.
6. The Post Office.	The Secretary of State for Industry.

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(1)	(2)
<i>Statutory undertakers</i>	<i>Appropriate Minister</i>
7. The Civil Aviation Authority or the British Airports Authority.	The Secretary of State for Trade.
8. The National Coal Board.	The Secretary of State for Energy.
9. The United Kingdom Atomic Energy Authority.	The Secretary of State for Energy.

- (4) References in this Schedule to the Secretary of State and the appropriate Minister shall have effect—
- (a) as references to the Secretary of State and the appropriate Minister, if the appropriate Minister is not the one concerned as the Secretary of State ; and
 - (b) as references to the one concerned as the Secretary of State alone, if he is also the appropriate Minister.
- (5) If, in relation to anything required or authorised to be done under the new towns code, any question arises as to which Minister is or Was the appropriate Minister in relation to any statutory,' undertakers, that question shall be determined by the Treasury.